

REMARKS

Claims 1-14 and 16-24 are pending in this patent application.

In the Office Action, the Examiner rejected claims 1-5, 11, and 24 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,655,136 to *Holt et al.*; claims 1, 2, 4, 7, 10-12, and 24 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,922,855 to *Bridwell et al.*; and claims 1-3, 5, 11, and 24 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,502,393 to *Stephenson et al.* The Examiner also rejected claims 12, 13, and 17-20 under 35 U.S.C. § 103(a) as being unpatentable over *Holt et al.* in view of Applicant's admitted prior art. The Examiner, moreover, objected to claims 6, 8, 9, 14-16, and 21-23 as being dependent on a rejected base claim. The Examiner, however, stated that the objected claims would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

While Applicant respectfully traverses the above rejections, independent claims 1, 11, 17, and 24 have been amended to incorporate the subject matter in claim 15, which the Examiner considered to be allowable over the cited references in the Office Action.

Furthermore, the subject matter of *Holt et al.*, which is alleged to be a prior art reference under 35 U.S.C. § 102(e), and the claimed invention were either owned by the same person or subject to an obligation of assignment to the same person, which is Caterpillar Inc. and Shin Caterpillar Mitsubishi Ltd. Pursuant to 35 U.S.C. § 103(c)(1), therefore, *Holt et al.* is disqualified as prior art with respect to the § 103 rejection. Accordingly, the rejection of claims 12, 13, and 17-20 under 35 U.S.C. § 103(a) as

being unpatentable over *Holt et al.* in view of Applicant's admitted prior art should be withdrawn.

Claims 2-10, 12-14, 16, and 18-23 depend from one of claims 1, 11, and 17, and those claims should be allowed at least by reason of their dependency from claims 1, 11, and 17.

Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

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Dated: June 9, 2005

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